

**PATENT****Certificate of Facsimile Transmission**

I hereby certify that this correspondence is being deposited via facsimile to Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450, Technology Center 1600 Attention: Examiner Chih-Min Kam, Ph.D, at fax number 703 872 9307 on

September 19, 2003

  
Jane A. WalkerSeptember 19, 2003  
Date**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial Number: 09/838,968  
Applicant: Michael B. Foster  
Confirmation No.: 1662  
Filed: April 20, 2001  
Title: **METHOD OF OPTIMIZING GROWTH  
HORMONE REPLACEMENT**  
Examiner: Kam  
Art Unit: 1653  
Attorney Ref. No.: RENAS-03

**OFFICIAL**

Cincinnati, Ohio

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September 19, 2003

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SEP 22 2003

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed May 19, 2003 finally rejecting claims 1-3, 5-11 and 13-16.

The item(s) checked below are appropriate:

**1. Status of Applicant**

This application is on behalf of

- ☐ other than a small entity.  
☒ a small entity.

## 2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

☒ small entity \$160.00  
☐ other than a small entity \$320.00

Notice of Appeal fee due \$160.00

## Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) X Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<u>X</u> one month	\$ 110.00	\$ 55.00
_____ two months	\$ 410.00	\$205.00
_____ three months	\$ 930.00	\$465.00
_____ four months	\$1,450.00	\$725.00
_____ fifth month	\$1,970.00	\$985.00

Fee \$55.00

\_\_\_\_\_ Attached is a check in the amount of \$\_\_\_\_\_ for the one month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

**OR**

(b) \_\_\_\_\_ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## 3. Total Fee Due

The total fee due is:

Notice of Appeal fee    \$160.00.  
Extension fee (if any)   \$ 55.00 .

Total Fee due \$215.00

## 4. Fee Payment

       Attached is a check is the sum of \$           

  X   The Commissioner is hereby authorized to charge the amount of \$215.00 for the appeal fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

## 5. Fee Deficiency

  XX   Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By Beverly A. Lyman  
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K:\RENAS\03\notice of appeal.wpd

by

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PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND F. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1938-1971

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**FACSIMILE COVER SHEET**

TO: Commissioner for Patents  
 ATTN: Examiner Kam

RE: Serial No. 09/838,968

Our Ref.: RENAS-03

FROM: Beverly A. Lyman,  
 Esquire

Fax No.: 1 703 872 9307

Date: September 19, 2003

Pages (including cover page): 7

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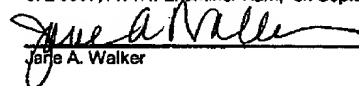
Attached for filing is Applicant's Notice of Appeal from the Primary Examiner to the Board of Appeals. Thank you.

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being delivered via facsimile to 703 872 9307, ATTN: Examiner Kam, on September 19, 2003.

  
 Jane A. Walker

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 Date